

PETITION FOR ZONING RE-CLASSIFICATION  
SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an D.R.-16 zone to an R.O. zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for N/A

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

SEE ATTACHED MEMORANDUM.

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

|                          |                      |
|--------------------------|----------------------|
| Contract Purchaser:      | Legal Owner(s):      |
| (Type or Print Name)     | Jerome Weiner        |
| Signature                | (Type or Print Name) |
| Address                  | Signature            |
| City and State           | (Type or Print Name) |
| Attorney for Petitioner: | 8328 Bellona Avenue  |
| (Type or Print Name)     | Towson, Md. 21204    |
| Signature                | Address              |
|                          | City and State       |

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 30, 1981

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

cc: Nicholas B. Commodari  
Chairman

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Jerome Weiner, Esquire  
8328 Bellona Avenue  
Towson, Maryland 21204

RE: Item No. 15 - Cycle II  
Petitioner - Jerome Weiner  
Reclassification Petition

Dear Mr. Weiner:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the October 1981 - April 1982 reclassification cycle (Cycle II). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or use and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or site plans be amended so as to reflect better compliance with the zoning regulations and commenting agencies' standards and policies, you are requested to review these comments, make your own judgement as to their accuracy and submit the necessary amendments to this office before November 30. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

The subject property, presently improved with two semi-detached dwellings, is presently zoned D.R. 16 and is located on the north side of Burke Avenue east of York Road. Commercial uses exist to the west, while individual homes and rowhomes exist to the north/east and south, respectively.

After reviewing your memorandum in support of your request, it should be noted that an "office complex", as indicated in reason #5, is no longer permitted as a special exception in a D.R. 16 zone.

In view of the fact that a proposed development was not indicated on your site plan, the enclosed comments from this Committee are general in nature. If the reclassification is granted, a public hearing and/or Planning Board review and approval will be required prior to development. At that time, more specific comments will be generated.

MICROFILMED

Item No. 15 - Cycle II  
Petitioner - Jerome Weiner  
Reclassification Petition

If you have any question concerning the enclosed comments, please feel free to contact me at 494-3391. Notice of the specific hearing date, which will be between March 1 and June 30, 1982, will be forwarded to you in the future.

Very truly yours,

Nicholas B. Commodari  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

NEC:ach

Enclosures

cc: Spellman, Larson & Associates, Inc.  
Suite 110 - Jefferson Building  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

MICROFILMED

BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.  
DIRECTOR

October 7, 1981

Mr. William T. Hackett, Chairman  
Board of Appeals  
Court House  
Towson, Maryland 21204

Re: Item #15 Zoning Cycle II (Oct. 1981-Apr. 1982)  
Property Owner: Jerome Weiner  
N/S Burke Avenue 227' E. from centerline of York Road  
Existing Zoning: DR 16  
Proposed Zoning: R-O  
Acres: 0.30 District: 9th

Dear Mr. Hackett:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

This site is a portion of an overall larger property for which comments were supplied in conjunction with the Zoning Advisory Committee review for Item 226 (1975-1976), 77-22A; note also that prior Item 8 (1975-1976) referred to therein, did not include this specific site. The comments supplied for these two items are referred to for your consideration.

Highways:

East Burke Avenue, an existing County road, is proposed to be improved in the future as a closed section roadway of varying width on a variable width right-of-way at this location, see Topics Project Drawing #73-0096, File 5, Job Order 5-286-16. Further information may be obtained from the Baltimore County Bureau of Engineering, Highway Design and Approval Section.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards and Specifications.

It is the responsibility of the Petitioner to ascertain and clarify his rights in and to the alley binding the north and west sides of this site.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

MICROFILMED

Item #15 Zoning Cycle II (Oct. 1981-Apr. 1982)

Property Owner: Jerome Weiner  
Page 2  
October 7, 1981

Storm Drains:

Provisions for accommodating storm water and drainage have not been indicated on the submitted plan.

In accordance with the drainage policy, the Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

There are 6 and 20-inch public water mains and 8-inch public sanitary sewerage in East Burke Avenue.

Very truly yours,

Robert A. Morton, P.E., Chief  
Bureau of Public Services

RAM:EAM:FWR:ss

cc: Jack Wimbley  
John Trenner

N-MW Key Sheet  
36 NB'3 Pos. Sheet  
NE 2 A Topo  
70 Tax Map

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
TOWSON, MARYLAND 21204  
494-3211

NORMAN E. GRABER  
DIRECTOR

October 29, 1981

Mr. William Hackett - Chairman  
Board of Appeals  
Room 219 - Court House  
Towson, Maryland 21204

Dear Mr. Hackett:

Comments on Item #15, Zoning Cycle II, - 1981, are as follows:

Property Owner: Jerome Weiner  
Location: N/S Burke Avenue 227' E. from centerline of York Road  
Acres: 0.30  
District: 9th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

The site plan does not have sufficient information to make site plan comments at this time.

Very truly yours,

John L. Wimbley  
John L. Wimbley  
Planner III  
Current Planning and Development

JLW:rh

Baltimore County  
Department of Traffic Engineering  
TOWSON, MARYLAND 21204  
(301) 494-3550

STEPHEN E. COLLINS  
DIRECTOR

October 8, 1981

Mr. William Hackett  
Chairman, Board of Appeals  
Office of Law, Courthouse  
Towson, Maryland 21204

Cycle II - Meeting of September 14, 1981  
Item No. - 15  
Property Owner: Jerome Weiner  
Location: N/S Burke Avenue 227' E. from centerline of York Road  
Existing Zoning: D.R. 16  
Proposed Zoning: R-O  
Acres: 0.30  
District: 9th.

Dear Mr. Hackett:

The existing D.R. 16 zoning can be expected to generate 35 trips per day and the proposed R-O zoning can be expected to generate 90 trips per day.

The intersection of Burke Avenue and York Road is at E level of service.

Michael S. Flanigan  
Traffic Engineering Associate II

MSF/r1j

BALTIMORE COUNTY  
DEPARTMENT OF HEALTH  
TOWSON, MARYLAND 21204

DONALD I. ROOP, M.D., MPH  
DEPUTY STATE & COUNTY HEALTH OFFICER

September 30, 1981

Mr. Walter Reiter, Chairman  
Board of Appeals  
Court House  
Towson, Maryland 21204

Dear Mr. Reiter:

Comments on Item #15, Zoning Advisory Committee Meeting for Cycle II, are as follows:

Property Owner: Jerome Weiner  
Location: N/S Burke Avenue 227' E. from centerline of York Road  
Existing Zoning: D.R. 16  
Proposed Zoning: R-O  
Acres: 0.30  
District: 9th

Metropolitan water and sewer exist.

The Zoning Plan, as submitted, does not include enough information to enable the Baltimore County Department of Health to make complete comments.

Very truly yours,

Ian J. Forrest, Director  
BUREAU OF ENVIRONMENTAL SERVICES

IJF/JRP/mgt





BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204  
825-7310

PAUL H. RENCKE  
CHIEF

October 9, 1981

Mr. William Hammond cc: William Hackett  
Zoning Commissioner Chairman of Board of Appeals  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Jerome Weiner

Location: N/S Burke Avenue 227' E. from centerline of York Road

Item No.: 15 Zoning Agenda: Meeting of September 14, 1981

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Rencke* Noted and Approved: *George M. Hagan*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JK,ab/cm

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

William Hackett-Chairman  
Board of Appeals  
September 23, 1981  
TO: \_\_\_\_\_ Date: \_\_\_\_\_  
CC: Nick Commodari  
FROM: Charles E. Burnham  
Cycle II - 1981  
SUBJECT: Item #15 Zoning Advisory Committee Meeting 9-14-81

Property Owner: Jerome Weiner  
Location: N/S Burke Avenue 227' E. from centerline of York Road  
Existing Zoning: D.R. 16  
Proposed Zoning: R-O

Acres: 0.30  
District: 9th

In conversion of dwelling "Use Group R-3 to office use group "B", Section 202 of the Baltimore County Building Code, Section 105, requires certain improvements to be made to upgrade the structure to the proposed commercial useage.

A change of occupancy permit and an alteration permit are required. Plans showing how the structure will be made to comply with the new code requirements as well as the Section 05.01.07 Code of Maryland Regulations (Handicapped Code) shall be submitted along with a permit application before a permit can be issued. The structure shall not be occupied as a new use group until the alterations are complete and occupancy permit is issued.

*Charles E. Burnham*  
Charles E. Burnham  
Plans Review Chief

CEB:rrj

## BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: 9/22/81

Mr. Walter Reiter  
Chairman, Board of Appeals  
Baltimore County Office Building  
1111 West Chesapeake Avenue  
Towson, Maryland 21204

Zoning Cycle #11 - 1981  
Meeting of 9/14/81

RE: Item No: 15  
Property Owner: Jerome Weiner  
Location: N/S Burke Ave. 227' E. centerline of York Rd.  
Present Zoning: D.R. 16  
Proposed Zoning: R-O  
Acreage: 0.30

### School Situation

School Enrollment Capacity Over/Under

Comments: Acreage too small to have an adverse effect on the educational system.

Student Yield With: Existing Zoning And Proposed Zoning  
Elementary  
Junior High  
Senior High

Very truly yours,  
*Wm. Nick Petrovich*  
Wm. Nick Petrovich, Assistant  
Department of Planning

WNP/bp

*E. Hennegan*

IN THE MATTER OF THE APPLICATION OF JEROME WEINER FOR RECLASSIFICATION FROM D.R. 16 to R-O N/S OF BURKE AVENUE 227' E. OF YORK ROAD (4 and 6 E. Burke Avenue) 9th DISTRICT

BEFORE  
COUNTY BOARD OF APPEALS  
OF  
BALTIMORE COUNTY  
NO. R-82-192  
ZONING DEPARTMENT

### ORDER OF DISMISSAL

Petition of Jerome Weiner for reclassification from D.R. 16 to R-O on property located on the north side of Burke Avenue 227 feet east of York Road (4 and 6 East Burke Avenue), in the Ninth Election District of Baltimore County.

WHEREAS, by letter dated January 25, 1985, the Board of Appeals notified the parties of record in the above entitled matter that the case is considered moot; and

WHEREAS, this decision is based on an opinion of the Baltimore County Attorney's office stating that any zoning case requesting reclassification of property pending before the Board on the date the new zoning maps are adopted is moot; and

WHEREAS, the Board has not received a reply from its letter of January 23, 1985, within thirty (30) days as requested;

THEREFORE, the Board will, on its own Motion, dismiss the within petition.

IT IS HEREBY ORDERED, this 25th day of July, 1985, that said petition be and the same is declared moot and the petition DISMISSED.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

*William T. Hackett*  
William T. Hackett, Chairman

*William R. Evans*  
William R. Evans



## County Board of Appeals of Baltimore County

Room 200 Court House  
Towson, Maryland 21204  
(301) 494-3180

January 25, 1985

Jerome Weiner, Esquire  
8328 Bellona Avenue  
Towson, MD 21204

Re: Case No. R-82-292  
Jerome Weiner

Dear Mr. Weiner:

As the Petitioner, or representative thereof, in the above referenced case, you are hereby advised that said case now pending before the Board of Appeals is considered moot. This decision is based on an opinion of the Baltimore County Attorney's office concluding that any reclassification case pending before this Board on the date of the adoption of new comprehensive zoning maps is moot.

Therefore, unless you present written objection to the Board within thirty (30) days from the date hereof, an Order of Dismissal shall be executed by this Board.

Also, this file reflects that bills covering advertising costs are still unpaid.

Very truly yours,

*William T. Hackett*  
William T. Hackett, Chairman

With:

cc: Mrs. Ellen Keilbar  
Mrs. Jerry Howard  
Mrs. Shannon Powers  
J. Brooke McCrystle  
Stephen W. Brooks  
Donald E. Ebert  
Arthur Brandau  
A. Owen Hennegan, Jr.  
JoAnne Bauer  
Jean K. Duvall  
Arnold Jablon  
Jean M. H. Jung  
James E. Dyer  
Norman E. Gerber  
James G. Hoswell

cc: Phyllis Cole Friedman  
Board of Education

Memorandum in Support of Reclassification Petition Request for 4 and 6 E. Burke Avenue.

The Petitioner respectfully submit for review and consideration the following instances of error committed by the Baltimore County Council in adoption of the 1980 Official Comprehensive Zoning Maps, 3c (1000' scale) and NE-9A (200' scale), inclusive of the subject properties as Density, Residential (D.R.16) and contends that the appropriate classification should be Residential, Office (R.O.).

1. The County Council failed to recognize and consider that these properties lie immediately adjacent to a large area of properties zoned Business, Roadside (B.R.) and which have road frontage along York Road, which has been officially designated by Baltimore County as a Class I commercial Motorway.

2. The County Council failed to recognize and consider the property immediately abutting the subject property on the north was granted a use permit to allow business parking in a residential zone (case No. 76-58-ASPH).

3. The County Council failed to recognize and consider that the subject property falls well within the criteria of the Declaration of Findings and the Statement of Legislative Intent of Sections 203.1 and 203.2, respectively, of the Baltimore County Zoning Regulations.

4. The subject property and improvements, as well as intended changes, meets the use requirements, sign and display requirements, and bulk requirements of Sections 203.3 and 203.4 of the aforementioned Regulations.

5. The County Council failed to recognize and consider that the properties' present classifications of Density, Residential (D.R.16) would be conducive to high density residential development and/or office complex, rather than the requested classification of Residential, Office (R.O.), which would tend to maintain the residential character of the neighborhood.

6. The Petitioner, upon favorable consideration and disposition of the instant request, fully intends to fulfill all of the requirements and conditions of the Development Plan, as called for under Section 203.5 of the aforementioned Regulations, inclusive of all requisite building and occupancy permits.

7. And for such further reasons which will be presented at the actual hearing.

*RACERACE BOARD*  
*SOUTHWORTH CO. U.S.A.*  
*2034 CORTON DRIVE*

### PETITION FOR RE-CLASSIFICATION

9th DISTRICT

ZONING: Petition for Re-classification  
LOCATION: North side of Burke Avenue, 227 ft. East of centerline of York Road  
DATE & TIME: Wednesday, May 12, 1982 at 10:00 A.M.  
PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter will hold a public hearing:

Present Zoning: D.R.16  
Proposed Zoning: R.O.

All that parcel of land in the Ninth District of Baltimore County

Being the property of Jerome Weiner as shown on plat plan filed with the Zoning Department

Hearing: Wednesday, May 12, 1982 at 10:00 A.M.  
PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland

BY ORDER OF  
WILLIAM T. HACKETT, CHAIRMAN  
COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY





**SPELLMAN, LARSON  
& ASSOCIATES, INC.**

SUITE 110 - JEFFERSON BUILDING  
105 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
823-3535

ROBERT E. SPELLMAN, P.L.S.  
JOSEPH L. LARSON  
LOUIS J. PIASECKI, P.E.  
ALBERT REAY  
MARK C. MARTIN

**DESCRIPTION FOR REZONING, NO. 4 & NO. 6 BURKE AVENUE, NINTH DISTRICT  
BALTIMORE COUNTY, MARYLAND**

Beginning for the same at a point in the center line of Burke Avenue 40 feet wide, on the zoning line dividing that portion of Land zoned DR 16 and that portion of land zoned DR 10.5 said point being at the distance of 227 feet more or less measured Easterly along the center line of Burke Avenue from the center line of York Road 66 feet wide and running thence and binding on the center line of Burke Road and on said zoning line South 84 Degrees 53 Minutes 09 Seconds East 72.75 feet thence leaving the center line of Burke Avenue and said zoning line and running North 5 Degrees 06 Minutes 51 Seconds East 190.52 feet to the south side of a 20 foot alley and running thence and binding on said alley North 88 Degrees 14 Minutes 22 Seconds West 65.88 feet thence binding on the East side of a 20 foot alley and continuing the same course South 7 Degrees 15 Minutes 24 Seconds West 186.78 feet to the place of beginning.

Containing 0.30 acres of land more or less



RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING  
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING  
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

*Bills*  
1/18/82 - 1<sup>st</sup> full page add 96.89 pd 3/26/82  
3/18/82 - 2<sup>nd</sup> full page add 52.75  
5/16/82 individual ad \$60.37

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - PAYMENT DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 007389

DATE 7/22/85 ACCOUNT R-01-615-000

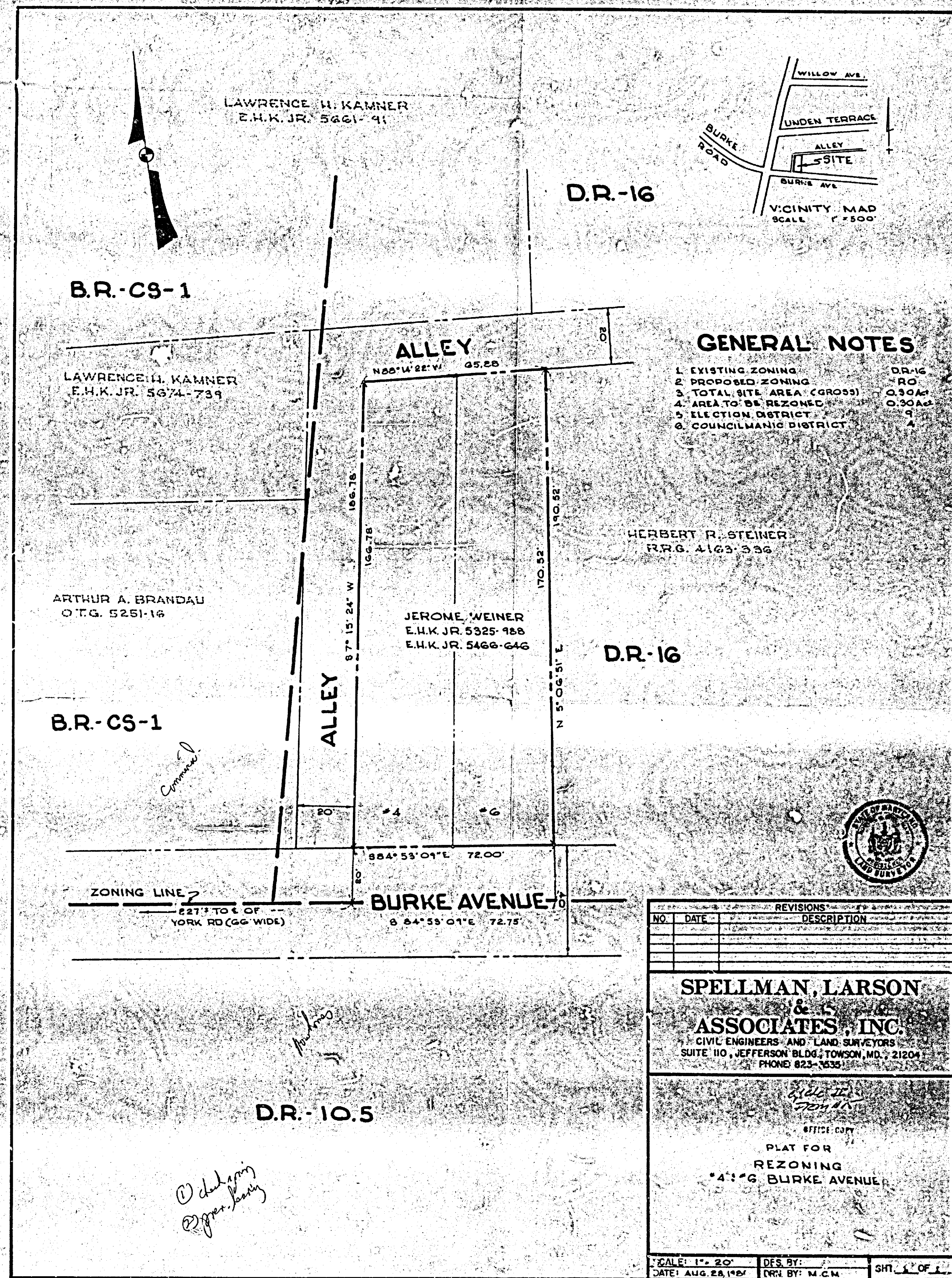
AMOUNT \$ 113.12

RECEIVED FROM Jerome Weiner, Esquire

Advertising and Posting Case No. 82-292

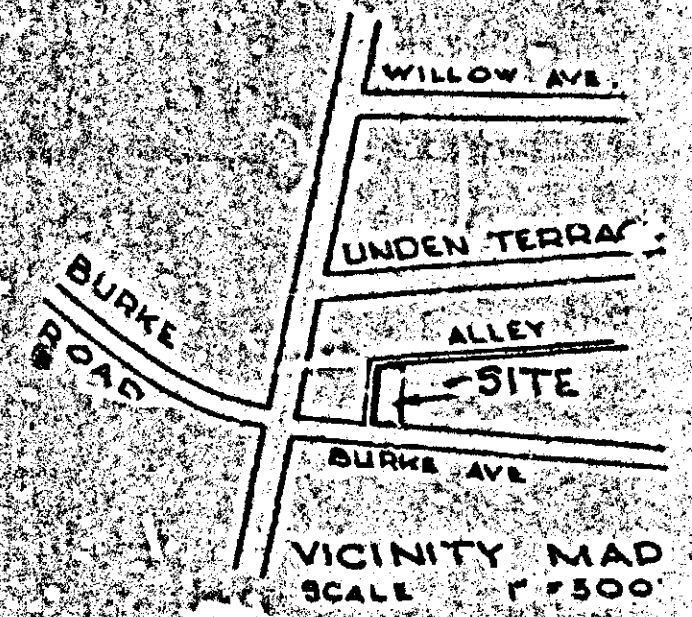
FOR 800\*\*\*\*\*131210 52257

VALIDATION OR SIGNATURE OF CASHIER





LAWRENCE H. KAMNER  
E.H.K. JR. 5661-91



D.R.-16

B.R.-CS-1

### GENERAL NOTES

LAWRENCE H. KAMNER  
E.H.K. JR. 5674-739

- |                            |          |
|----------------------------|----------|
| 1. EXISTING ZONING         | D.R.-16  |
| 2. PROPOSED ZONING         | RO       |
| 3. TOTAL SITE AREA (GROSS) | 0.30 Acs |
| 4. AREA TO BE REZONED      | 0.30 Acs |
| 5. ELECTION DISTRICT       | 9        |
| 6. COUNCILMANIC DISTRICT   | 4        |

HERBERT R. STEINER  
R.R.G. 4163-336

ARTHUR A. BRANDAU  
O.T.G. 5251-16

JEROME WEINER  
E.H.K. JR. 5325-958  
E.H.K. JR. 5466-646

D.R.-16

B.R.-CS-1

ALLEY



BURKE AVENUE

D.R.-10.5

| REVISIONS |      |             |
|-----------|------|-------------|
| NO.       | DATE | DESCRIPTION |
|           |      |             |
|           |      |             |
|           |      |             |
|           |      |             |

**SPELLMAN, LARSON & ASSOCIATES, INC.**  
CIVIL ENGINEERS AND LAND SURVEYORS  
SUITE 110, JEFFERSON BLDG., TOWSON, MD., 21204  
PHONE: 823-3535

PLAT FOR  
REZONING  
41'6" BURKE AVENUE